

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,

Plaintiff

VS.

CATERPILLAR INC.

Defendant

CIVIL ACTION NO. 04-11836-RCL

ASSENTED TO MOTION TO AMEND SCHEDULING ORDER

The plaintiff Trans-Spec Truck Service, Inc. d/b/a Truck Service (“Trans-Spec”) respectfully submits this Assented To Motion to Amend Scheduling Order. As grounds, Trans-Spec states that the nature of several deponents’ schedules has made it prohibitively difficult to arrange for completion of fact discovery by August 29, 2005. Several likely deponents are located out-of-state, including Illinois, Florida, and Michigan, making it virtually impossible to schedule the number of needed out-of-state depositions (as well as in-state depositions) within the present discovery period.

Accordingly, Trans-Spec moves the Court to amend its June 1, 2005 Scheduling Order as follows: (a) change the deadline for completion of depositions of non-expert witnesses and service of non-party document-only subpoenas from August 29, 2005 until September 29, 2005¹; (b) change the deadline for Trans-Spec's expert reports from September 27, 2005 to October 27,

¹ Caterpillar has requested Trans-Spec to produce one of the Sterling trucks involved in this case for inspection and testing but such testing and inspection has not yet occurred. By assenting to this motion, Caterpillar does not waive its right to conduct such inspection and testing or to bring any motions or issue any subpoenas that may be necessary to enable it to accomplish the inspection and testing.

2005; (c) change the deadline for Caterpillar's expert reports from October 24, 2005 to November 23, 2005; (d) change the date for completion of depositions of experts from December 23, 2005 to January 23, 2006; (e) change the date for filing dispositive motions from January 27, 2006 to February 27, 2006.

Respectfully submitted,

TRANS-SPEC TRUCK SERVICE, INC.
By its attorneys,

DONOVAN HATEM, L.L.P.



Christian G. Samito (BBO: 639825)
2 Seaport Lane
Boston, MA 02210
(617) 406-4500

Date: August 12, 2005
00937884

Assented to: CATERPILLAR INC.
By its attorneys,

CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.



John A. K. Grunert (BBO: 213820)
One Constitution Plaza
Boston, MA 02129
(617) 241-3000

Date: August 12, 2005